

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:17-CV-00190

SPENCER KREBS, MORGAN SWITZER,  
DAVE WYATT, KRYSTAL HORSLEY,  
JACENTA MARIE PRICE, AND  
MARKISHA DOBSON, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

CHARLOTTE SCHOOL OF LAW, LLC, a  
North Carolina company, INFILAW  
CORPORATION, a Delaware  
Corporation, INFILAW HOLDING, LLC, a  
Florida limited liability corporation,  
STERLING CAPITAL PARTNERS, L.P., a  
Delaware limited parne, STERLING  
CAPITAL PARTNERS GMBH & CO. KG, an  
Illinois business entity, JAY CONISON, Dean  
of CSL, CHIDI OGENE, President of CSL,  
DON LIVELY, former President of CSL, and  
the UNITED STATES DEPARTMENT OF  
EDUCATION, a governmental agency,

Defendants.

**MOTION FOR PROTECTIVE ORDER BY  
DEFENDANTS STERLING CAPITAL  
PARTNERS, L.P. AND STERLING  
CAPITAL PARTNERS GMBH & CO. KG**

NOW COME Defendants Sterling Capital Partners, L.P. and Sterling Capital Partners GmbH & Co. KG (collectively, the “Sterling Entities”), moving for a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure relieving the Sterling Entities from any obligation to respond to Plaintiffs’ discovery requests dated July 11, 2017. In support of this Motion for Protective Order (the “Motion”) and as more fully explained in the accompanying Memorandum of Law under Local Rule 7.1(C), the Sterling Entities state the following:

1. First, the discovery sought by Plaintiffs has not been authorized by this Court. The discovery order entered by the Court on June 22, 2017, permitted Plaintiffs to “conduct limited discovery as to the issue of personal jurisdiction over Defendants InfiLaw Holding, LLC and Don Lively.” [Docket #87]. The order does not authorize discovery of the Sterling Entities.
2. Second, Plaintiffs’ requests far exceed the scope of limited jurisdictional discovery. The bulk of the 50 requests directed to each of the Sterling Entities are (1) unrelated to this case; (2) substantive rather than jurisdictional; (3) unrelated to InfiLaw Holding, LLC or Don Lively; or (4) generally overbroad or unduly burdensome.

As required by Rule 26(c)(1) and LCvR 7.1(B), counsel for the Sterling Entities conferred with counsel for Plaintiffs on July 26, 2017, in an effort to resolve this issue without court action. The parties were unable to reach a resolution.<sup>1</sup>

For the foregoing reasons and as more fully explained in the accompanying brief, the Sterling Entities respectfully request that a protective order be entered relieving them of any obligation to respond to Plaintiffs’ discovery requests.

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<sup>1</sup> Counsel is aware that the Court’s form Pretrial Order and Case Management Plan contains an additional requirement that counsel request a conference with the Court prior to filing a motion related to discovery. Because no Pretrial Order and Case Management Plan has been entered at this preliminary stage of this case, the Sterling Entities have not requested a conference prior to filing this motion, but the Sterling Entities stand ready to confer with the Court upon its request.

This the 26<sup>th</sup> day of July, 2017.

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### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed today with the United States District Court, Western District of North Carolina using the Court's CM/ECF system on the following counsel of record:

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This 26th day of July, 2017.

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